

Appln No.: 09/673,964
Amendment Dated: June 4, 2004
Reply to Office Action of April 8, 2004

REMARKS/ARGUMENTS

This is in response to the Office Action mailed April 8, 2004 for the above-captioned application. Reconsideration and further examination are respectfully requested. Applicants thank the Examiner for speaking with their attorney on June 2, 2004. This paper will serve as Applicants summary of that interview.

The Examiner objected to the abstract because it has less than 150 words citing MPEP § 608.01(b). This section, however, and the related rule indicate that the abstract should be 150 words or less. Thus, the objection is not understood.

The Examiner has again stated that the Information Disclosure Statement was not in compliance with the requirements of the rules because copies of the references were not provided. As previously noted, A the USPTO has acknowledged receipt of copies of the references in a Form DO/EO/903 mailed January 4, 2001. Accordingly, while Applicants enclose replacement copies of the requested references so that they may be considered by the Examiner, no fee should be required with this submission. Consideration of these references is respectfully requested.

The Examiner has again rejected claims 15-28 under 35 USC § 101, stating that they are directed to mathematical operations and that as such they are not patentable subject matter. The Examiner has taken the position that the term "sample" could refer to a data sample. While Applicant is unsure how this meaning is arrived at given the specification as a whole, the determination of the "contents" of the sample in the claim, and the reference to concentration determination in dependent claims, Applicant has amended claim 15 to refer expressly to characterization of a physical sample.

This amendment to reference a physical sample was the subject of the interview between the Examiner and Applicant's attorney. It is believed that agreement was reached that this amendment would overcome the § 101 rejection. Accordingly, this application is now believed to be in form for allowance.

Respectfully submitted,

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